



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,355	03/16/2001	Steven R. Sweitzer	GODG-1610	7783

7590 06/15/2005

Seong-Kun Oh
Sierra Patent Group, Ltd.
P.O. Box 6149
Stateline, NV 89449

EXAMINER

ODOM, CURTIS B

ART UNIT PAPER NUMBER

2634

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,355

Applicant(s)

SWEITZER, STEVEN R.

Examiner

Curtis B. Odom

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,8 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,8 and 19 is/are rejected.
- 7) ☐ Claim(s) 3 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Tarraf (U.S. Patent No. 6, 351, 495).

Regarding claim 1, Tarraf discloses a method of altering round trip delay measurement in a communication system, comprising the steps of:

receiving (Fig. 2, block 202, column 5, lines 34-column 6, line 61) an input signal;
determining (Fig. 2, block 202, column 6, lines 30-61) whether a predetermined tone sequence is detected; and processing (Fig. 2, block 222, column 7, lines 1-36) the input signal and generating a corresponding digital signal (message and digitized tones);

wherein when the tone sequence is detected, routing the digital signal (received signal) to an output terminal (Fig. 1, block 232, column 6, lines 30-48), and further, wherein if the tone sequence is not detected (column 6, lines 30-48), routing the input signal (received signal) to the output terminal (Fig. 1, block 232).

Regarding claim 5, Tarraf discloses an apparatus for altering round trip delay measurement in a communication system, comprising:

a detector to receive (Fig. 2, block 202, column 5, lines 34-column 6, line 61) an input signal and to detect a predetermined tone sequence;

a digital signal processor for processing (Fig. 2, block 222, column 7, lines 1-36) the input signal and generating a corresponding digital signal (message and digitized tones); and

a selector (Fig. 1, elements 204 and 210, column 6, lines 30-61) coupled to the detector and the digital signal processor, the selector configured to receive the input signal and the digital signal;

wherein when the detector detects the predetermined tone sequence , the selector is configured to provide the digital signal (received signal) to an output terminal (Fig. 1, block 232, column 6, lines 30-48), and further, when the detector does not detect the predetermined tone sequence (column 6, lines 30-48), the selector is further configured to output the input signal (received signal) to the output terminal (Fig. 1, block 232).

Regarding claim 19, the claimed apparatus includes features corresponding to the above rejection of claim 5, which is applicable hereto.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2634

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarraf (U. S. Patent No. 6, 351, 495) in view of Erreygers (U. S. Patent No. 6, 236, 664).

Regarding claims 4 and 8, which inherit the limitations of claim 1 and 5 (see rejection above), Tarraf does not disclose the communication system includes a pair gain system.

Erreygers teaches that a pair gain system allows multiple pairs of wires to transmit/receive information through a single wire by multiplexing/demultiplexing (column 1, lines 33-57). This allows multiple devices to communicate through a single wire without having to install additional hardware. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of Tarraf to include a pair gain system as taught by Erreygers to allow multiple devices to communicate through a single wire without the expense installing additional pairs of wires for each device (Erreygers, column 1, lines 33-57).

Allowable Subject Matter

5. Claims 3 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis B. Odom whose telephone number is 571-272-3046. The examiner can normally be reached on Monday- Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Curtis Odom
June 3, 2005


STEPHEN CHIN
SUPERVISORY PATENT EXAMINE
TECHNOLOGY CENTER 2800